

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY A. BRENDEN,
Plaintiff,
v.
SELLEN CONSTRUCTION, INC.,
Defendant.)
Case No. C05-1681L
ORDER DENYING PLAINTIFF'S
MOTIONS FOR DEFAULT

This matter comes before the Court on plaintiff's "Motion: Default of, Request for Admission of Papers Attached" and "Motion: Default of: No. 05-35606, November 30, 2005." Dkt. # 27. In the first motion, plaintiff asserts that he sent something to defendant on November 28, 2005, and seeks confirmation that "this was done in the time frame of the 21 days to prosecute." In the second motion, plaintiff requests the production of certain medical records from defendant and asks the Court to "hold previous decision" regarding two prior litigations in which plaintiff was involved.

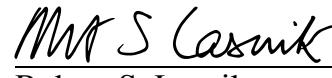
Neither of these documents sets forth any set of facts which would support the entry of default against defendant. In fact, defendant answered the complaint on December 30, 2005. With regards to the first motion, plaintiff does not explain what was served on defendant on November 30, 2005, or the genesis of the “21 days to prosecute” mentioned three times in the one-page motion. That motion is therefore DENIED.

As to the second motion, plaintiff's request for production should be addressed to

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1 defendant, not the Court. Unless a response has already been made, defendant shall respond to
2 this request for medical records within thirty days from the date of this Order, as set forth in
3 Fed. Civ. R. Pro. 34(b). To the extent plaintiff is seeking an immediate trial of this matter
4 and/or a change of venue, those requests are DENIED.

5 DATED this 6th day of February, 2006.
6

7 
8 Robert S. Lasnik
9 United States District Judge